

House Transportation Committee Amendment No. 1

Amendment No. 1 to HB1914

Ridgeway
Signature of Sponsor

AMEND Senate Bill No. 1887

House Bill No. 1914*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-11-101, is amended by adding the following language as a new, appropriately designated subsection:

(c)

(1) Notwithstanding any provisions of subsections (a) or (b) to the contrary, after July 1, 2001, no public railroad grade crossing shall be constructed and no private crossing shall be converted to a public crossing without the entity desiring the crossing or the conversion having first:

(A) Submitted the plans for the construction or conversion of the proposed crossing to the department of transportation; and,

(B) Obtained the department's approval of those plans.

Prior to rendering its final decision, the department shall submit the plans it proposes to approve to the federal highway administration, the affected local government, and the involved railroad for review and comment. Any developer, individual, corporation or other private entity desiring the construction or conversion of a crossing shall be responsible for all costs associated with constructing or converting such crossing in compliance with the plans approved by the department. No public railroad grade crossing constructed after

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July 1, 2001, and no private crossing converted to a public crossing after July 1, 2001, shall be opened to vehicular traffic until such crossing is inspected by the department to assure that the crossing was constructed or converted in accordance with the approved plans.

(2) The department shall promulgate standards pertaining to the construction or conversion of grade crossings pursuant to this subsection, including, but not limited to, appropriate warning devices. The department shall not approve any plans for construction or conversion of a railroad grade crossing that do not comply with the promulgated standards.

(3) The department shall charge a fee for the review and approval of plans for construction or conversion of railroad crossings and the inspection of the completed crossings. Such fee shall be sufficient to offset the cost to the department of performing these services. Such fee shall be paid by the party seeking approval of the plans for the crossing.

(4) The department shall promulgate rules and regulations pertaining to the approval of plans for construction or conversion of

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railroad grade crossings and the inspection of those crossings
pursuant to the provisions of this subsection.

(5) Upon receipt of an application for approval of plans
pursuant to this subsection, the department shall notify the affected
railroad and the governmental body having jurisdiction over the
proposed location.

(6) If a crossing is constructed or converted in violation of
any provision of this subsection, the affected railroad may remove
the crossing and recover the cost of such removal from the party
that constructed or converted the crossing.

(7) Nothing in this subsection shall be construed as granting
the department authority to permit the construction of public railroad
grade crossings or the conversion of private crossings on roads not
designated as being on the state system of highways.

(8)

(A) It is the intent of the general assembly that the
standards, rules and regulations promulgated pursuant to
this subsection shall not be applied for any reason
whatsoever to any railroad crossings established prior to

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July 1, 2001, except for the sole purpose of evaluating such railroad grade crossings for possible closure.

(B) It is the intent of the general assembly that the standards, rules and regulations promulgated by the department pursuant to this subsection shall take effect on or before March 1, 2002.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.